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Attorneys for Noah Corporation, Debtor

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re:	Bankruptcy Case No. 19-23840
NOAH CORPORATION,	Chapter 7
Debtor.	Honorable Joel T. Marker

**MOTION TO WITHDRAW AS COUNSEL FOR DEBTOR**

Pursuant to Bankr. D. Ut. LBR 2091-2, Kenneth L. Cannon II, Penrod W. Keith, and the law firm of Durham Jones & Pinegar (collectively, “Movants”) hereby move to withdraw as counsel for Noah Corporation, the debtor in this case (the “Debtor”), whose chapter 11 case was converted to chapter 7 on February 25, 2020. The last known address of the Debtor Noah Corporation is as follows:

Noah Corporation  
322 West 11000 South  
South Jordan, UT 84070

Philip G. Jones is the chapter 7 trustee appointed in this case (the “Trustee”). Mr. Jones’ address is as follows:

Philip G. Jones  
1215 South Main Street  
Orem, UT 84058

2. The reasons for withdrawal are: (1) Durham Jones & Pinegar, the Debtor's counsel, is becoming affiliated with Dentons, an international law firm, which has a conflict with Durham Jones & Pinegar's continued representation of the Debtor; (2) the Debtor's case has been converted to chapter 7 and there is little if anything counsel for the Debtor needs to do; (3) the Debtor no longer has employees and it is difficult to find someone who can speak on behalf of the Debtor with respect to any action that might affect the Debtor; (4) although Durham Jones & Pinegar has responded to questions of the Trustee, creditors, equity security holders, and potential buyers of buildings that the Debtor leased but did not own, questions and inquiries have become much less frequent; and (5) Durham Jones & Pinegar has not been paid for its post-conversion services, many of which benefit the estate, and likely will not be paid. Durham Jones & Pinegar is willing to continue to respond to the Trustee's requests for background and information and to facilitate the Trustee obtaining this information if this motion is granted.

3. In the event this motion is granted, the Debtor or any new counsel for the Debtor, must file a notice of appearance within 21 days after entry of the order, unless otherwise ordered by the Court. Pursuant to Local Rule 9011-2(a), no corporation, association, partnership, limited liability company or other artificial entity may appear pro se, but must be represented by an attorney who is admitted to practice in this Court. The Debtor has had no cause to appear in court in this case in many months and the Trustee, who consents to the proposed withdrawal is in control of the Debtor and its property.

4. This motion is made with the Trustee's consent. This motion is accompanied by a certification that the officers of the Debtor have been served with a written description of the status

of the case, including the dates and times of any scheduled court proceedings, pending compliance with any existing court orders, and the possibility of sanctions attached hereto as Exhibit A.

5. Movants certify that there are no pending motions or trials. This case was filed under chapter 11 on May 28, 2019 and converted to chapter 7 on February 25, 2020. As far as I have been able to determine from the Court's docket, (1) there are no pending proceedings in this case and affecting the Debtor that have been set for hearing; (2) it appears from the docket that there is no current scheduling order.

### **CERTIFICATION**

Movants hereby certify that a copy of this Motion for Withdrawal of Counsel has been sent to the limited mailing matrix as it stood at the time of conversion of the case and the Trustee, (2) the Debtor at the following address, which is the last known contact information for the Debtor: Noah Corporation, 322 W. 11000 S., South Jordan, Utah 84070, and to William Bowser, president of the Debtor, at his email address.

The above-described specific facts justify withdrawal of counsel without the present appearance of substitute counsel.

### **CONCLUSION**

Based on the foregoing, the Court should grant the motion and permit Movants to withdraw as counsel of record for the Debtor.

DATED this 28<sup>th</sup> day of August, 2020.

DURHAM JONES & PINEGAR, P.C.

By: /s/ Kenneth L. Cannon II  
Kenneth L. Cannon II  
Penrod W. Keith

**CERTIFICATE OF SERVICE- BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on August 28, 2020, I electronically filed the foregoing **MOTION TO WITHDRAW AS COUNSEL FOR DEBTOR** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users.

- James W. Anderson jwa@clydesnow.com, mmann@clydesnow.com; atrujillo@clydesnow.com
- Glenn R. Bronson grbronson@traskbritt.com, cawatters@traskbritt.com
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- Steven T. Waterman waterman.steven@dorsey.com, bingham.karen@dorsey.com;ventrello.ashley@dorsey.com
- John J. Wiest wiestj@gtlaw.com
- Jeffrey Adam Wright awright@modrall.com
- Philip G. Jones tr trustee@theo7.com, pjones@ecf.epiqsystems.com, pgj@trustesolutions.net

**CERTIFICATE OF SERVICE- MAIL, OTHER**

I hereby certify that on August 28, 2020, I caused to be served a true and correct copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL FOR DEBTOR** as follows:

**Mail Service - By regular first class United States mail, postage fully pre-paid, addressed to:**

Noah Corporation  
322 West 11000 South  
South Jordan, UT 84070

**Other – By electronic mail to the following:**

William Bowser  
2003noahs2020@gmail.com

Mark Hashimoto  
Mark@hashimotofa.com

/s/ Kristin Hughes

# EXHIBIT A

**CERTIFICATION**

I hereby certify that on August 28, 2020, I caused to be served a true and correct copy of attached letter regarding the status of this case, including the dates and times of any scheduled court proceedings, pending compliance with any existing court orders, and the possibility of sanctions by electronic mail to the following:

- William Bowser (2003Noahs2020@gmail.com)
- Mark Hashimoto (mark@hashimotofa.com)
- Philip G. Jones, Trustee (trustee@theo7.com)

/s/ Kenneth L. Cannon II  
Kenneth L. Cannon II



ATTORNEYS AT LAW

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Kenneth L. Cannon II  
ATTORNEY AT LAW  
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VIA EMAIL

August 28, 2020

William Bowser  
2003Noahs2020@gmail.com

Mark Hashimoto  
mark@hashimotofa.com

Re: In re Noah Corporation, Durham Jones & Pinegar Motion to Withdraw as Counsel for Debtor Noah Corporation

Dear Bil and Mark:

As I have indicated to both of you, with the impending relationship between Durham Jones & Pinegar and Dentons, Durham Jones & Pinegar needs to withdraw as counsel for Noah Corporation. It has been a pleasure working with you both. As you know, the case is in chapter 7 and Philip Jones has been appointed as chapter 7 trustee. I have reviewed the docket of the case and there appear to be no scheduled court proceedings, no pending compliance required with any existing court orders, and no current possibility of sanctions against Noah Corporation in its chapter 7 case.

Best regards,

DURHAM JONES & PINEGAR, P.C.

A handwritten signature in blue ink, appearing to read "Kenneth L. Cannon II", is written over the printed name.

Kenneth L. Cannon II

KLC:kh

cc: Philip G. Jones (via email)